

R E M A R K S

Claims 1-35 are pending in this application. No new matter has been added by way of the above amendments. For instance, a comma has been added to claim 32. Additionally, claim 35 has been amended to recite specific types of calcium ion-binding proteins as supported by the present specification at page 12, lines 14-16. Additionally, claim 35 has been amended to recite a purity of 80 to 100% as supported by the present specification at page 11, lines 9-11 as well as Table 1 at page 19. Accordingly, no new matter has been added.

In view of the following remarks, it is respectfully requested that the Examiner withdraw all rejections and allow the currently pending claims.

Objection to claim 32

The Examiner has objected to claim 32 since no spacing exists between the recitation of 23 and wherein. Applicants have corrected this issue by way of the present amendment. Accordingly, this objection is moot.

Issues under 35 U.S.C. 112, second paragraph

The Examiner has rejected claim 35 under 35 U.S.C. 112, second paragraph stating that the recitation of "high" regarding purity is indefinite. Applicants respectfully traverse this rejection. Applicants have amended claim 35 to recite a specific

value of purity of 80 to 100% as determined by gel filtration chromatographic analysis. Accordingly, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Issues under 35 U.S.C. 112, first paragraph

The Examiner has rejected claim 35 under 35 U.S.C. 112, first paragraph asserting that it allegedly fails to comply with the written description requirement. In particular, the Examiner asserts the language of claim 35 relates to a "genus" of calcium ion-binding proteins. However, the Examiner appears to believe that a "representative number of species" falling within the genus has not been described. Applicants respectfully traverse this rejection.

Applicants have amended claim 35 to define the calcium ion-binding protein as one being selected from the group consisting of Annexins I, II, III, IV, V, VI and VII. Support for these proteins can be found in the present specification, for instance, at page 12, lines 14-18. Additionally, Applicants draw the Examiner's attention to the purification of Annexin V in Examples 1-2 as well as the purification of Annexin VI in Example 3. Accordingly, Applicants respectfully submit that those of ordinary skill in the art would have understood that Applicants were in possession of the invention as recited in claim 35 at the time of filing the present application. Reconsideration and withdrawal of the outstanding rejection is therefore respectfully requested.

Issues under 35 U.S.C. 102(b)

The Examiner has rejected claim 35 under 35 U.S.C. 102(b) as being anticipated by Bryant et al. Applicants respectfully traverse this rejection.

The Examiner has asserted that claim 35 may encompass any calcium ion-binding protein being purified by any method. Applicants respectfully disagree. Claim 35 relates to a calcium ion-binding protein selected from the group consisting of Annexins I, II, III, IV, V, VI and VII. However, Bryant et al. fail to suggest to disclose such a particular calcium ion-binding protein. Accordingly, no anticipation based upon Bryant et al. exists. Reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter


At page 5 of the outstanding Office Action, the Examiner indicates that claims 1-31 and 33-34 are allowable, with claim 32 being objected to for minor informalities. Applicants respectfully submit that the minor informality in claim 32 has been corrected, thus, claims 1-34 are allowable. In addition, the rejections concerning claim 35 have been addressed and rendered moot. Thus, all currently pending claims, that is, claims 1-35 are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig M. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____

Marc S. Weiner, #32,181

Craig McRobbie, #42,874

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/CAM: bmp
0020-4973P

Attachment(s) :

(Rev. 09/30/03)